THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.6635 of 2006

Dt.4.4.2006

Between:

Natukula Koteswara Rao … Petitioner

And

The Markapur Municipality,

Markapur, Prakasam District and others

…Respondents

ORDER:

Petitioner questions the action of the respondents in taking steps to demolish the existing structure bearing Municipal No.6/438(B), Markapur, Prakasam District belonging to the petitioner without following the due process of law and without initiating proceedings under the Land Acquisition Act as illegal and arbitary.

The case of the petitioner is that the petitioner is in possession and

enjoyment of the premises bearing Municipal No.6/438(B), Markapur, having purchased the same by registered sale deed dated 25.10.1995 and his name has also been mutated in the municipal records. While so, the respondents proposing to widen the old bus stand road. The main grievance of the petitioner is that the respondents have not issued any notice before deciding to demolish the said premises and they are trying to demolish the existing structures for the purpose of road widening without acquiring the property under the Land Acquisition Act and without following the due procedure prescribed under law and without paying any compensation, which action is utter violation of the principles of natural justice.

Heard the learned counsel for the petitioner as well as the learned Government Pleader on behalf of the respondents.

No doubt, widening/laying of the road is in the public interest but while laying the road, if any property of private individual is coming in the way, it is for the respondent to acquire the same either by way of initiating land acquisition proceedings or by following due process of law.

Having regard to the facts and circumstances of the case, the respondents are directed not to demolish the structures or take away any portion of the property of the petitioner and not to dispossess him without following due process of law either by way of private negotiations or by way of acquiring the said land by initiating the proceedings under the Land Acquisition Act, 1894.

The writ petition is accordingly disposed of. No costs.

V.ESWARAIAH, J.

4.4.2006

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